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APPLICATION NO.	FILING DATE	FILING DATE FIRST NAMED INVENTOR		CONFIRMATION NO.		
10/750,376	12/31/2003	Keith A. Rindlesbach	22396	4892		

20551

7590

SANDY, UT 84070

07/05/2006

CHOI, FRANK I

THORPE NORTH & WESTERN, LLP. 8180 SOUTH 700 EAST, SUITE 200

PAPER NUMBER ART UNIT

EXAMINER

1616

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		A	Application No.		Applicant(s)			
Office Action Summary		1	10/750,376		RINDLESBACH, KEITH A.			
		E	xaminer		Art Unit			
			rank I. Choi		1616			
Period fo	The MAILING DATE of this commun or Reply	ication appea	rs on the cover	sheet with the c	orrespondence ad	ldress		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1)	Responsive to communication(s) file	ed on .						
•=								
7—								
-,	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims								
4)⊠	4)⊠ Claim(s) <u>1-20</u> is/are pending in the application.							
•	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)	5) Claim(s) is/are allowed.							
6)⊠	6)⊠ Claim(s) <u>1-20</u> is/are rejected.							
	Claim(s) is/are objected to.							
8)[	8) Claim(s) are subject to restriction and/or election requirement.							
Applicati	on Papers							
9)[	The specification is objected to by th	e Examiner.						
10)	The drawing(s) filed on is/are	: a)□ accept	ted or b)⊡ obj	ected to by the E	xaminer.			
	Applicant may not request that any object	ection to the dra	awing(s) be held	in abeyance. See	37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11)	The oath or declaration is objected t	o by the Exam	niner. Note the	attached Office	Action or form P7	ГО-152.		
Priority (	ınder 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).								
a)	a) All b) Some * c) None of:							
	<ul> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> </ul>							
	3. Copies of the certified copies of the priority documents have been received in Application 76.							
	application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.								
Attachment(s)								
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date								
3) 🔲 Infon	e of Draftsperson's Patent Drawing Review (I mation Disclosure Statement(s) (PTO-1449 or r No(s)/Mail Date	5) 🔲		atent Application (PT	O-152)			

Application/Control Number: 10/750,376

Art Unit: 1616

## **DETAILED ACTION**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The nature of the invention:

The invention is directed to a method of reducing the effects of Alzheimers Dementia by administering amoxicillin, vitamin B12, indomethacin, S-adenosyl-L-methionine, selenium, ibuprofen and aspirin.

The state of the prior art and the predictability or lack thereof in the art:

The prior art does not appear to disclose or suggest said combination for the treatment of Alzehimer's Dementia. Treatment appears to be limited to providing appropriate levels of stimuli and haloperidol to deal with any anxiety (See Merck Manual (16<sup>th</sup> Ed. 1992), pp. 1406,1407.

The amount of direction or guidance present and the presence or absence of working examples: Although the specification provides information as to doses, working examples appear to be prophetic in nature.

The breadth of the claims and the quantity of experimentation needed:

Application/Control Number: 10/750,376

Art Unit: 1616

The claims are broad in that they claim a method of reducing the effects of Alzheimer's Dementia where dosing can occurs up to 18 hours after dosing one of the ingredients. As such, one of ordinary skill in the art would be required to do undue experimentation in order to determine at what doses, dosing intervals, order of dosing, etc. would be effective in reducing the effects of Alzheimer's dementia.

## Conclusion

A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is 571-273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Choi whose telephone number is (571)272-0610. Examiner maintains a flexible schedule. However, Examiner may generally be reached Monday-Friday, 8:00 am - 5:30 pm (EST), except the first Friday of the each biweek which is Examiner's normally scheduled day off.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Dr. Johann Richter, can be reached at (571)272-0646. Additionally, Technology Center 1600's Receptionist and Customer Service can be reached at (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank Choi Patent Examiner Technology Center 1600 6/27/06

> Johann Richter, Ph. D. Esq. Supervisory Patent Examiner Technology Center 1600